

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

UNITED STATES OF AMERICA,

Plaintiff,

:

Case No. 1:15-cr-026

Also 1:20-cv-Unassigned

District Judge Susan J. Dlott

Magistrate Judge Michael R. Merz

- vs -

AARON MURRAY,

Defendant.

:

ORDER TO DEFENDANT

This criminal case is before the Court on Defendant's *pro se* Motion to Vacate under 28 U.S.C. § 2255 (ECF No. 142). The Motion was docketed by the Clerk on July 13, 2020. It was postmarked July 7, 2020, and addressed to Magistrate Judge Karen Litkovitz. It is unsigned and does not include Murray's declaration under penalty of perjury of the date of deposit in the prison mailing system.

Observing these facts, it is hereby ORDERED:

1. Future filings in this case must be addressed to the Clerk of this Court at Room 712, 200 West Second Street, Dayton, Ohio 45402. Although Magistrate Judge Litkovitz appointed prior counsel in this case, the case has never been assigned to her. The undersigned denies Murray permission to file directly with any judicial officer.

2. The § 2255 Motion must be signed. Murray shall sign and file the signature page not later than July 21, 2020. When he does so, he shall also complete and sign the declaration under penalty of perjury for the date he deposited the Motion in the prison mailing system.
3. As the Court has previously advised Murray (See ECF No. 141), it cannot consider his First and Second Grounds for Relief without his first obtaining permission to proceed from the Sixth Circuit because he could have included those claims in his prior § 2255 Motion. On the other hand, the Court can consider his claim under *United States v. Davis*, 139 S. Ct. 2319 (June 24, 2019), without permission from the circuit court. Murray thus has two options: (1) he can file an amended § 2255 motion raising only his claim under Davis or (2) he can insist that the Court consider his currently-filed Motion with all three claims. If he chooses the second option, the Magistrate Judge will transfer the case to the Sixth Circuit for its consideration. Murray must choose which of these options to he wants to pursue and advise the Court of his choice at the same time as he files the signature page, i.e., not later than July 21, 2020.

July 14, 2020.

s/ *Michael R. Merz*
United States Magistrate Judge